

Honorable Timothy W. Dore
Chapter 13
Location: Seattle
Hearing Date: June 21, 2023
Time: 9:30 AM
Response Date: June 14, 2023

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

IN RE:) Chapter 13 Proceeding
)
NICHOLE PORTIA LEIGH,) Case No. 23-10050-TWD
Debtor,)
) NOTICE OF MOTION TO
) TO APPROVE PERSONAL
) INJURY SETTLEMENT

NOTICE OF HEARING AND MOTION

PLEASE TAKE NOTICE that a hearing Motion to Approve Settlement Agreement is set for hearing as follows:

JUDGE: Honorable Timothy W. Dore DATE: June 21, 2023
PLACE: 700 Stewart St. 8th Floor TIME: 9:30 AM
Seattle, Washington 98101

IF YOU OPPOSE the Motion, you must file your written response with the Clerk's office of the bankruptcy court and deliver copies to the undersigned and the Chapter 13 Trustee NOT LATER THAN THE RESPONSE DATE, which is June 14, 2023. If you file a response, you are also required to appear at the hearing.

IF NO RESPONSE IS TIMELY FILED AND SERVED, THE COURT MAY, IN ITS DISCRETION, GRANT THE MOTION PRIOR TO THE HEARING WITHOUT FURTHER NOTICE, AND STRIKE THE HEARING.

Dated: 05/27/2023

/s/ Steven C. Hathaway

Steven C. Hathaway, WSBA #24971
Attorney for Debtor

NOTICE AND MOTION
TO APPROVE PERSONAL
INJURY SETTLEMENT

LAW OFFICES OF STEVEN C. HATHAWAY
3811 CONSOLIDATION AVENUE
BELLINGHAM, WA 98229
PHONE (360) 676-0529
FAX (360) 676-0067

DECLARATION OF STEVEN HATHAWAY IN SUPPORT OF
MOTION TO APPROVE SETTLEMENT AND EXEMPTION

I, Steven C. Hathaway, declare under penalty of perjury that the following is true and correct to the best of my knowledge, information, and belief.

1. I am the attorney of record for the Debtor in the above captioned action.

2. The Debtor filed for Chapter 13 bankruptcy relief on January 12, 2023.

3. On November 12, 2019, the Debtor was injured in a motor vehicle accident caused by Drew Thurston who rear-ended her vehicle.

4. On January 24, 2020, the Debtor retained Davis Law Group to represent her in connection with the injuries she sustained in the accident on a contingency fee basis.

5. On January 21, 2021, Davis Law Group, P.S. filed a personal injury lawsuit on behalf of the Debtor against Drew Thurston in King County Superior Court, Case No. 22-2-01050-9.

6. Courtney Hansen is one of the attorneys at the Davis Law Group who is assisting with the handling the Debtor's personal injury claim.

7. The Debtor has reached a settlement (subject to court approval) with the insurance company for the driver who was at fault for the accident. The total gross settlement amount for Debtor's claim is \$95,000.00. There are liens, attorney fees, and costs that must be satisfied out of the settlement proceeds.

8. A copy of the proposed Settlement Agreement is attached as Exhibit 1. An email from Courtney Hansen providing the details in support of Debtor's proposed settlement is attached as Exhibit 2. According to Ms. Hansen's email the Debtor will net approximately \$30,000 after payment of liens, attorney fees, and costs.

9. The proposed settlement for Debtor's personal injury claim is fair and reasonable and in the best interests of the Debtor and the bankruptcy estate.

1 10. The Debtor identified her personal injury claim on her bankruptcy schedules. At least
2 \$20,000 of the Debtor's share of the proceeds of the settlement are exempt under *RCW*
3 *6.15.010(1)(d)(vi)*. The proceeds of the settlement are also exempt compensation for loss of the
4 future earnings of the Debtor and are reasonably necessary for her current and future support. *Id.*

5 **WHEREFORE** the Debtor requests that this Court enter an order approving the
6 settlement of Debtor's personal injury claim on the terms set forth in Exhibit 1 and Exhibit 2 and
7 for such further relief as this Court deems just and proper.
8

9
10 *Dated: 05/27/2023*

/s/ Steven C. Hathaway

Steven C. Hathaway, Attorney for Debtor

DECLARATION OF MAILING

THE UNDERSIGNED CERTIFIES UNDER PENALTY OF PERJURY THAT ON 05/27/2023
THE UNDERSIGNED CAUSED TO BE DELIVERED EITHER BY FIRST CLASS MAIL,
LEGAL MESSENGER OR ELECTRONICALLY A COPY OF THIS NOTICE AND MOTION
AND PROPOSED ORDER TO THE U.S. TRUSTEE, THE CHAPTER 13 TRUSTEE, THE
DEBTOR AND ALL CREDITORS SET FORTH ON THE COURT MAILING MATRIX
ATTACHED HERETO.

Dated: 05/27/2023

/s/ Simone M. Hathaway

Simone M. Hathaway, Legal Assistant